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**ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-9722-4]**

**Proposed CERCLA Administrative Settlement Agreement and Order on Consent for the Mercury Refining Superfund Site, Towns of Guilderland and Colonie, Albany County, New York**

**AGENCY:** Environmental Protection Agency

**ACTION:** Notice; request for public comment

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), notice is hereby given by the U.S.

Environmental Protection Agency ("EPA"), Region 2, of a proposed *de minimis* administrative settlement agreement and order on consent pursuant to Section 122(g)(4) of CERCLA, between EPA and American Axle & Manufacturing, Inc., Amersham Health, Inc., Bishop & Associates, City of San Diego, County Board of Arlington Virginia, Energy Solutions Services, Inc., Scientific Ecology Group, Inc., Genesys Regional Medical Center, Ingot Metal Company, Ltd., Purina Mills, LLC, Shred-A-Can Recyclers, Ltd., Triumvirate Environmental, Inc., and Waste Management of Michigan, Inc. (hereafter "Settling Parties") pertaining to the Mercury Refining Superfund Site ("Site") located in the Towns of Guilderland and Colonie, Albany County, New York. The settlement requires specified individual payments by each Settling Party to the EPA Hazardous Substance Superfund Mercury

Refining Superfund Site Special Account, which combined total \$79,028.49. Each Settling Party's individual settlement amount is considered to be that party's fair share of cleanup costs incurred and anticipated to be incurred in the future, plus a "premium" that accounts for, among other things, uncertainties associated with the costs of that future work at the Site. The settlement includes a covenant not to sue pursuant to Sections 106 and 107 of CERCLA, relating to the Site, subject to limited reservations, and protection from contribution actions or claims as provided by Sections 113(f)(2) and 122(g)(5) of CERCLA. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate.

EPA's response to any comments received will be available for public inspection at EPA Region II, 290 Broadway, New York, New York 10007-1866.

**DATES:** Comments must be submitted on or before [thirty days from the date of the publication of this notice].

**ADDRESSES:** The proposed settlement is available for public inspection at EPA Region 2 offices at 290 Broadway, New York,

New York 10007-1866. Comments should be sent to the individual identified below and should reference the Mercury Refining Superfund Site, Index No. CERCLA-02-2011-2012. To request a copy of the proposed settlement agreement, please contact the individual identified below.

**FOR FURTHER INFORMATION CONTACT:** Sharon E. Kivowitz, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3183. E-Mail: [kivowitz.sharon@epa.gov](mailto:kivowitz.sharon@epa.gov).

Dated: August 21, 2012.      Walter Mugdan, Director,  
Emergency and Remedial Response Division,  
EPA, Region 2.

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